

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CV392-03-MU

GEORGE W. GANTT-EL,

Plaintiff,

v.

BOYD BENNETT, et., al,

Defendant.

ORDER

THIS MATTER comes before the Court on its own motion and in response to a letter sent to the Court by Plaintiff on November 8, 2006 (Document No. 12.)

The record in this matter reflects that Plaintiff filed a Complaint under 42 U.S.C. § 1983 on September 13, 2006. (Document No. 1 .) On September 27, 2006 Plaintiff filed a Motion to Relate All Issues (Document No. 4) in which Plaintiff requested that all of his other claims including claims pending in another district court and claims pending before the North Carolina Industrial Commission be related to this action. On October 4, 2006 Plaintiff filed a Supplemental Complaint (Document No. 5.) By Order dated October 10, 2006, this Court dismissed Plaintiff's Complaint and Supplemental Complaint for failure to state a claim¹ and denied Plaintiff's Motion to Relate All Issues (Document No. 6.) On October 19, 2006 Plaintiff filed a Motion to Alter the Judgment (Document No. 9) and on October 25, 2005 this Court denied Plaintiff's Motion to Alter the Judgment (Document No. 11.)

¹ The Court also noted that even if Plaintiff had stated a claim for relief, it appears that Plaintiff did not exhaust his administrative remedies prior to filing his Complaint.

On November 8, 2006 the court received a letter from Plaintiff in which Plaintiff indicated that he had no stamps to file a notice of appeal but that he intended to file such a notice. In his letter, Plaintiff also indicated that he believed that the staff at Lanesboro Correctional Institution censored his outgoing mail and took action against Plaintiff in retaliation for his filing civil cases against them such as “flooding [his] until with gang members coming off of long term lock down” and “cut[ing] off [his] finger sticks completely.” The Court will not address Plaintiff’s complaints contained in his letter since Plaintiff acknowledged that the actions which he complains are not ripe yet as they are not fully exhausted. However, it appears that Plaintiff has expressed a desire to file a notice of appeal in this civil case and therefore the Court directs the Clerk to convert Plaintiff’s letter, (Document No. 8), into a notice of appeal and send such notice of appeal to the Fourth Circuit Court of Appeals.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Clerk is directed to convert Plaintiff’s letter (Document No. 12) into a notice of appeal and file such notice with the Fourth Circuit Court of Appeals.

SO ORDERED.

Signed: November 14, 2006



Graham C. Mullen
United States District Judge



